

TRACTION LINES ACT AGAIN TO RAISE FARE

Move for a Reargument of the Quinby Case in Court of Appeals.

SMITH FOR P. S. C. INQUIRY Believes Data Should Be Collected for Basis of Remedial Legislation.

Two significant moves were made by the transit interests of the State yesterday in their fight to get increased fares.

(1) Notice of a motion for reargument of the Quinby case, now held to be the controlling authority on rate increases for transit lines, was filed with the Court of Appeals and served on the up State and New York city commissions.

(2) At the suggestion of Gov. Smith, Joseph K. Choate, chairman of the Committee on Ways and Means to Obtain Additional Revenue of the New York State Electric Railways Association, sent to each Public Service Commission a letter asking them to make an investigation of the traction situation in their respective districts with a view to making recommendations for corrective and remedial legislation by the Legislature of 1920.

Commissioner Nixon said last night he wished to consider the request more carefully before deciding whether he would order the desired investigation. However, several times since his appointment by Gov. Smith he has indicated his belief that something should be done to prevent more traction rate increases.

He has stated that he was working on some plan which he hoped would give relief. Under the Quinby decision he has no statutory power to increase rates. He has indicated that he is holding in that case that the maximum rate named in a franchise could be increased only by the franchise power. In the case of New York city that is the Board of Estimate.

Nixon May Make Recommendation Commissioner Nixon intimated yesterday that he was considering making some recommendation to the Board of Estimate.

It is understood, however, that there is little chance of setting that body to abandon its decision that no increase in fare could be granted under the transit laws were willing to make concessions to the public on their side of the bargain.

Both Mayor Hylan and Comptroller Craig have indicated that municipal ownership would be a solution of the difficulty. If the lines should all go into the hands of the city, it would be possible to effect a reorganization, under which the city could take them over advantageously.

William Randolph Hearst has long been an advocate of municipal ownership, and is said to see in the New York city situation a great opportunity to test his theory. The Mayor, it is understood, is quite inclined to agree with his friend, Mr. Hearst.

As it takes twelve votes to act on franchise matters in the Board of Estimate, no modifications could be made without the six votes of the Mayor and the Controller.

"I am absolutely in favor of municipal ownership of all transit lines in New York State," said Mr. Hearst yesterday, "but the time is not ripe for public acquisition of these properties. In the fulness of time the city will become the owner of all public utilities. There is nothing out of the situation that is becoming more and more complex under private ownership."

Asked what his plans for immediate relief of the situation, Commissioner Nixon replied:

"I am still studying both sides of the proposition and shall take no definite action until I am fully acquainted with all details of the matter. It is a very important question and many things have to be considered before I can make up my mind whether to recommend to the Board of Estimate the action desired by the rapid transit companies. As you know, I am powerless to grant the increase on my own authority. That cannot be done until a modification of the franchise conditions, over which the Board of Estimate alone has jurisdiction under the present law."

"I do not intend Dr. Jones to announce his attitude a day longer than is necessary."

Where Traction Hopes Lie. If the Court of Appeals should take another view of the rate question on a reargument it might give Commissioner Nixon the right to increase fares.

In that case the traction lines of the city of Rochester applied to the up-State Commission for permission to increase their fare from five to six cents. Henry D. Quinby, in control of the lines, understood that the city of Rochester, the city of New York and the Public Service Commission of this district intervened.

The Court of Appeals by a vote of four to two granted the writ of prohibition holding that the Public Service Commission had no power to change the terms of a municipal franchise.

Three months later the South Glens Falls gas case was decided by the Court of Appeals. Under that decision the rate permitted to increase its rate from \$1.25 to \$1.60, although by its franchise the former figure was fixed as a maximum rate. While the grant of power by the Legislature to insert a rate provision in a franchise is given by a special law rather than by the State Constitution and the cases were not exactly on all fours for that reason, traction lawyers felt that the reasoning in the South Glens Falls case showed a somewhat different attitude on the entire rate subject on the part of the Court of Appeals. Since then they have been looking for an opportunity to reargue the Quinby case.

Choate's Letter to Governor. In his letter to Gov. Smith, which Mr. Choate made public yesterday, he said in part:

"The courts of this and other States have declared in unmistakable language that the regulation of rates of public utilities is a part of the police power of the State and resides with the sovereign Legislature unless it is delegated in unmistakable language to the courts and because of the imperfections of the jurisdiction the Public Service Commissions are without sufficient power to perform their functions, while there has been no machinery provided for the control and regulation of these utilities by the communities."

"It is respectfully suggested that Your Excellency appoint a commission of citizens to make a study of the traction situation and report to you their recommendations for remedial measures."

REWARD OFFERED FOR MISSING ACE

Uncle and Guardian Hunt Capt. James.

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GALLI-CURCI DEFENDS SELF. Denies Husband's Charges That Impugn Character.

CHICAGO, June 5.—Amelia Galli-Curci, opera singer, today through her attorney denied all charges against her character made in a recent answer to her bill for divorce which was filed by her husband. At the same time she filed in the Superior Court an affidavit alleging that Curci has \$25,000 in Italian securities which rightfully belong to her.

She asked that \$15,000 of this amount be paid her at once as her support pending the determination of her suit, the remaining \$10,000 to be paid when the case comes to final settlement. The divorce case comes up for hearing June 17.

MASONS TO GO ABROAD. State Officers Will Attend Ceremonies in London for Prince.

STRACINE, June 5.—William S. Farmer, Grand Master of New York State, and Robert Judson Kenworthy, Grand Secretary, and Townsend Scudder, Past Grand Master, will sail from New York on the Mauretania, June 14, to be present at the raising of the Prince of Wales to manhood in London, June 24. Every English-speaking grand lodge in the world will be represented.

Woman Would Be Attorney. TRENTON, N. J., June 5.—Miss Bonnie E. Snyder of Newark, was the only woman in a class of 135 who took the examination to-day before the New Jersey Bar Examiners for admission as attorney.

CONFESSES HE KILLED FATHER. BLOOMINGTON, Ind., June 5.—Alva Banks, 20, was announced by officials, confessed to-day he killed his father, Andrew J. Banks, the night of May 24, with a shotgun.

Young man shot his father because he was taken to the Indiana Reformatory at Jeffersonville for safe keeping. According to the alleged confession, the young man shot his father because the elder Banks would not give him money.

Woman Slayer Gets 25 Year Term. Mrs. Rebecca Wankler, convicted of murdering her husband, was sentenced yesterday by Judge J. J. Connelley to 25 years imprisonment at Auburn.

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LAND \$56,000 THIEF; NO REWARD; GRILL

Parole Officers Nab Boy, but \$8,000 Worth of Stolen Diamonds Are Missing.

MUST FACE GRAND JURY Jewellers Refuse to Pay \$5,000 Offered and Culprit Directs Suspicion on Captors.

Special Dispatch to THE SUN. MOUNT CLEMENS, Mich., June 5.—Interest to-day in Henry Ford's libel suit against the Chicago Tribune was at its lowest ebb. Expecting the plaintiff's counsel would close their case early in the day, the courtroom filled with a crowd eager to hear the opening of the Tribune's side, when the real fireworks are expected to begin, but nothing developed, and it is quite probable another day will be used by the Ford attorneys in reading into the record Tribune editorials which favored the intervention by the United States in Mexico.

Some of these editorials opposed this country getting into the world's war. The articles were read as tending to prove that the Tribune was playing Germany's game and that Henry Ford opposed intervention. The Chicago newspaper was anxious to destroy Mr. Ford's influence, and called him an anarchist. Counselship and distant relationship became an important factor when William L. Lucking, for the plaintiff, began the reading of a series of editorials tending to show financial interests of the Tribune in Mexico, and asserted that the Tribune's policy favored the taking of that country by the United States.

"We intend to show," said Lucking, "that the first cousins of the principal Tribune stockholders are stockholders in the Standard Oil Company and the Harvester Company, with considerable financial interests in Mexico."

Judge Tucker said that it was very remote, but preferred to admit the fact that the Tribune was playing Germany's game, and called him an anarchist. Counselship and distant relationship became an important factor when William L. Lucking, for the plaintiff, began the reading of a series of editorials tending to show financial interests of the Tribune in Mexico, and asserted that the Tribune's policy favored the taking of that country by the United States.

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REFRESHING SODA SAL

A GLORIOUS EXCURSION Newburgh & Beacon, \$1 Poughkeepsie, \$1.50

Str. "BENJ. B. ODELL" Leaves Franklin St., 9 A. M. West 120th St., 9:30 A. M. Rain or Shine. Restaurant, Lunch Room, Music. CENTRAL HUDSON LINE

Saturday Trips ON THE HUDSON Newburgh, Poughkeepsie, Kingston, etc. "HOMER RANDALL" Franklin St., 9:30 A. M. West 120th St., 1:30 P. M. Restaurant.

TO HEAD M. E. WORK IN EUROPE Frank E. Baker, in Charge of Reconstruction, Sails.

Frank E. Baker, in charge of reconstruction projects of the Methodist church in Europe and North Africa, sailed for Europe yesterday on the steamship La Lorraine.

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